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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,061	12/15/2003	Christopher Olsen	AMAT/8629/FEP/GCM/RKK	4253

7590 09/19/2006

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EXAMINER

STOUFFER, KELLY M

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/736,061	Applicant(s) OLSEN ET AL.	
	Examiner Kelly Stouffer	Art Unit 1762	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 10-18
Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached Detailed Action.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____

Continuation of 5. Applicant's reply has overcome the following rejection(s): The rejection under 35 USC 102(b) as the claims rejected were cancelled in the reply. The examiner wishes to note that the features described in the previous office action with reference to this rejection are still able to be applied as the rejected claims include some of the same features.

DETAILED ACTION

The cancellation of claims 1-9 in the reply dated 6 September 2006 is acknowledged.

Response to Arguments

Applicant's arguments filed 6 September 2006 have been fully considered but they are not persuasive.

1. Applicant transgresses the rejection of claims 10-12, 14 and 16 under 35 USC 103(a) as being unpatentable over Cheng et al. in view of Kiryu et al. in the office action dated 19 July 2006. Applicants argue that the combination of Cheng et al. and Kiryu et al. does not teach or suggest a process that includes forming a silicon oxynitride film in two different chambers of an integrated processing system, wherein a structure comprising a silicon oxide film formed on a silicon substrate is heated in an atmosphere comprising ammonia in a first chamber and exposed to a plasma comprising a nitrogen source in a second processing chamber. Applicant further argue that Kiryu et al.'s different types of processing chambers are not sufficient to provide a suggestion or motivation for forming silicon oxynitride layers in two different chambers. However, using the process as described by Cheng et al. in the previous office action it would have been obvious to one having ordinary skill to modify the processing system of Kiryu et al. to include using different chambers for each step of the process. In addition, Kiryu et al.'s different types of processing chambers shows that different process steps, like the steps disclosed by Cheng et al., may be performed in separate processing chambers and it would have been obvious to one of ordinary skill in the modify these

processing chambers with the processes of Cheng et al., as described in the previous office action.

The applicant further argues that the motivation for combining the processes of Cheng et al. with different processing chambers or Kiryu et al. of avoiding contamination of the substrate is not taught by Cheng et al. or Kiryu et al., individually or in combination. However, Kiryu et al. states that using the different processing chambers prevents contamination of the substrate in paragraphs [0141]-[0143].

Therefore it is obvious to modify Cheng et al. with Kiryu et al. to reject claims 10-12, 14 and 16 as stated in the previous office action, and therefore the rejection of claims 10-12, 14 and 16 is maintained.

2. Applicants further transverse the rejection of claim 12. As detailed above and in the previous office action, Cheng et al. in view of Kiryu et al. does teach performing the various process of Cheng et al. in the separate processing chambers of Kiryu et al. Therefore the rejection of claim 12 in the previous office action is maintained.

3. Applicants arguments regarding the rejection of claim 17 under 35 USC 102(a) over Cheng et al. in view of Kiryu et al. and Niimi et al. state that none of the references (Cheng et al., Kiryu et al. or Niimi et al.) meet the limitations of claim 10. However for the reasons stated above and in the previous office action, Chang et al. in view of Kiryu et al. teach the limitations of claim 10 and therefore the rejection of claim 17 is maintained.

4. Applicants arguments regarding the rejection of claim 18 under 35 USC 102(a) over Cheng et al. in view of Kiryu et al. and in further view of Ibok state that none of the

Art Unit: 1762

references (Cheng et al., Kiryu et al. or Ibok) meet the limitations of claim 10. However for the reasons stated above and in the previous office action, Chang et al. in view of Kiryu et al. teach the limitations of claim 10 and therefore the rejection of claim 18 is maintained.

5. Applicants arguments regarding the rejections of claim 13 and 15 under 35 USC 102(a) over Cheng et al. in view of Kiryu et al. and in further view of Burnham et al. state that none of the references (Cheng et al., Kiryu et al. or Burnham et al.) meet the limitations of claim 10. However for the reasons stated above and in the previous office action, Chang et al. in view of Kiryu et al. teach the limitations of claim 10 and therefore the rejection of claims 13 and 15 are maintained.

Conclusion

In conclusion, the references cited by the examiner in combination meet the limitations of claims 10-18 and the rejections in the office action of 19 July 2006 are maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Stouffer whose telephone number is (571) 272-2668. The examiner can normally be reached on Monday - Thursday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kelly Stouffer
Examiner
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kms



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SUPERVISORY PATENT EXAMINER